TUSA DEVLIN

AO 91 (Rev. 08/09) Criminal Complaint

FILED
2010 OCT 20 AM 10: 37
CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ______ DEPUTY

# UNITED STATES DISTRICT COURT
for the
Western District of Texas

United States of America
v.
RAY JOHN ZAPATA

Defendant(s)

Case No. 1:10-m-810

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of september 20, 2010 in the county of Travis in the Western District of Texas, the defendant(s) violated:

Code Section	*Offense Description*
2113 (a)	by force, violence and intimidation did knowingly and unlawfully take from the person and presence of another money belonging to and in the care, custody, control, management, and possession of Compass Bank, 6910 Manchaca Road, Austin, Texas, a bank with deposits insured by the Federal Deposit Insurance Corporation,

This criminal complaint is based on these facts:

☑ Continued on the attached sheet.

Thomas B. Walsh
Complainant's signature

Thomas B. Walsh, FBI Task Force Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: 10/20/10

A W Austin
Judge's signature

City and state: Austin, Texas

ANDREW W. AUSTIN
United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Thomas Walsh, being duly sworn, depose and say:

1. I am a Robbery Detective with the Austin, Texas Police Department, and have been so employed by this department since 1987. I am currently assigned to the FBI Central Texas Violent Crimes Task Force, and have been deputized as a Federal Agent. My duties and responsibilities include investigation of alleged violations of federal and state criminal laws, including bank robberies, in the Western District of Texas.

2. I am conducting a criminal investigation into a series of bank robberies insured by the Federal Deposit Insurance Corporation (FDIC). The following are the series of robberies:

a. August 30, 2010 at Wells Fargo Bank, August 30, 2010, Austin, TX;

b. September 08, 2010 at American Bank of Commerce, 8668 Spicewood Springs Rd, Austin, Texas;

c. September 20, 2010 at Compass Bank, 6910 Manchaca Rd, Austin, Texas;

All of these robberies occurred in the Western District of Texas.

3. The information in this affidavit is based on my personal observations and credible information provided to me by other law enforcement officers. The affidavit does not contain all of the information concerning this investigation that is known to me, or to law enforcement officers, but describes only relevant facts necessary to establish probable cause that Ray John Zapata committed the offenses set forth in the Criminal Complaint attached hereto.

4. There is probable cause to believe that Ray John Zapata committed the offense set forth in the attached Criminal Complaint based on the following facts.

a. On August 30th, 2010, at about 3:57 P.M., a robbery occurred at Wells Fargo Bank at 3949 South Lamar, Austin, Texas. The robber went into the bank and approached a teller. The teller looked up and saw the man walking to his station. The robber placed a note on his station counter. The note read something to the effect of "Don't yell, just want cash, no trouble." The teller got nervous and did not comply immediately and the robber reached inside his bag. The teller feared the robber was reaching for a weapon and opened his drawer and handed over money from the bank. The robber left the bank with about $1383. The robber was described as a Hispanic male, 5'8", about 160 lbs. The robber took the cash and walked out of the bank. The robber and his actions were caught on video surveillance.

b. On September 8th, 2010 at about 10:30 A.M. a robbery occurred at America Bank of Commerce at 8668 Spicewood Springs, Austin, Texas. The robber entered the bank and walked towards the central teller station. He showed a note to the victim teller which read something to the effect of "Give me all the money, no (something), no trouble." It also had the denominations written on the note. The teller described him as nervous but mad at the same time. She stated she feared for her safety and handed him the money from her top drawer and he put it in a red child's bag he was holding. She described him as a Hispanic male, late 20's to early 30's, 5'6" to 5'8". She described the bag he used to put the money in as a childrens with blue drawstrings and some type of designs on it. The robber left the bank with $5100. The robber and his actions were caught on video surveillance. He was last seen running through the shopping center that the bank is located on foot.

Affiant searched the neighborhood for any evidence or leads in this investigation. Affiant went to Terrazo apartments at 8585 Spicewood Springs Rd. Affiant showed the bank surveillance photos of the robber to the apartment manager. She stated the she believed the person in the photos came in to her office and he called a yellow cab to pick him up. Affiant followed up on that information and found out that a cab was dispatched to those apartments not long after the robbery occurred and the person was picked up and dropped in the 8300 blk of Research blvd in an

Enterprise car rental parking lot. The person used the name "Antonio" as the person to be picked up.

On 9-9-10, a resident on Parliament Place, which is a street located between the bank and the Terrazo apartments, called Austin Police patrol to her residence when she found clothing and the note used in the bank robbery in her back yard. The clothing fit the description that the robber was wearing during the robbery.

c. On September 20, 2010 at about 11:54 A.M. a robbery occurred at Compass Bank, 6910 Manchaca Rd, Austin, Texas. The teller stated a person walked in the front door and there were no customers. She greeted him, and he smiled and walked up to her station. He had a backpack and swung it up on the counter. He reached into his backpack and pulled out a note on yellow paper. The note read something to the effect of "don't panic, give me all the 100's, 50's, 20's. The victim teller gave him the money from her top drawer. She did not give him any $100's. He then mouthed the words "all of it," and he held his backpack open. She did not say anything to her co-workers until the robber left the bank because she feared he may have a weapon. The teller described him as a Hispanic male, 5'10", medium build, 25 to 35 years of age. The robber and his actions were caught on video surveillance.

5. Through credible and reliable investigative means, a suspect vehicle was developed in the Compass Bank robbery and stopped by Austin Police Officers shortly after the bank robbery close to where the bank was located. The passenger fled from the vehicle on foot from the vehicle carrying a black backpack. He lost his hat while jumping off of a bridge after the vehicle he was riding in was stopped. Affiant went to that scene of the traffic stop and also the bank where I looked at video surveillance from the bank robbery. Affiant saw that the hat the person lost running from the stopped vehicle was the same type of hat that the bank robber wore. It was a distinguishable San Antonio Spurs hat with a large number 21 on the front. The driver of the vehicle was cooperative and identified the person who ran as "Ray" and he had known Ray for two weeks. Through subsequent investigation from information the driver gave, Austin Police Robbery Detectives were

able to identify the passenger who fled as Ray John Zapata, DOB: 10-14-1980, Hispanic/Male.

Affiant viewed a Travis County booking photo of Ray Zapata and recognized him from the booking photo as the same person who was captured in the surveillance photos from the Wells Fargo bank robbery at 3949 South Lamar.

Affiant and FBI SA Dennis May drove around with the driver of the vehicle, Travis Smith, who was with Ray Zapata. He showed us an apartment where he knew Zapata to stay. It was located at 8220 Research, apt 142D. This apartment is close to an opening in a fence to the Enterprise car rental where the person who was the robber from the ABC was dropped off by Yellow Cab.

While with Smith Affiant received a page to contact an APD Officer who was dispatched to a call at 4911 Manchaca Rd. The Officer relayed that a person showed up at that apartment complex office asking the manager to call him a taxi. The apartment let him use a phone and the person called yellow cab and used the name as Antonio to pick him up. The Officer relayed to Affiant that the apartment manager said the person was all muddy and bleeding and had the name Ray tattooed on his arm. Affiant learned through Yellow cab that they had picked up a fare at that address. The person used the name Antonio, the same name used after the American Bank of Commerce robbery. Affiant learned that the fare was dropped off at 1316 South Congress.

Affiant and FBI SA May went to 1316 South Congress. Affiant spoke to the manager of the San Jose hotel. She knew who I was looking for stating he was all muddy and bloody when he came in and had a tattoo of "Ray" on his arm. Ray Zapata was not at the hotel at that time. FBI Violent Crime Task Force members apprehended Ray Zapata as he came back to the hotel later that evening and brought to Austin Police headquarters.

Affiant read Ray Zapata his rights, which he acknowledged that he understood. This was audio-videotaped. Ray Zapata confessed to robbing the Wells Fargo bank at 3949 South Lamar, the American Bank of Commerce bank at 8668 Spicewood Springs Rd and the the Compass bank at 6910 Manchaca. Zapata's confession was corroborated by facts of the investigation.

Affiant followed up with and interview of Alberto Vaca, the resident of 8220 Research, apt 142D. He stated that Ray Zapata did live with him a short time. He identified Zapata in the Wells Fargo robbery and stated that Zapata had the camouflage hat shown in the bank surveillance photo when he first stayed with him. Vaca also stated that Zapata got his haircut short not long after he was staying with him. Zapata stayed there for a period of about three weeks. Zapata also stated that his wife gave Zapata the childs red bag used in the American Bank of Commerce Bank robbery. This corroborated what Zapata stated in his confession.

6. Based on foregoing, I believe there is probable cause to believe that Ray Zapata committed the offenses set forth in the attached Criminal Complaint.

FURTHER AFFIANT SAYETH NAUGHT.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Thomas B. Walsh
Task Force Officer
FBI Violent Crimes Task Force
Austin, Texas

Subscribed and sworn to before me at Austin, Texas on this 20th day of October, 2010.

UNITED STATES MAGISTRATE JUDGE